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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,946	07/30/2003	Thomas D. Intini	1901-17A	8883

7590 01/25/2005

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CANADA

EXAMINER

RICCI, JOHN A

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

52

Office Action Summary	Application No. 10/629,946	Applicant(s) INTINI, THOMAS D.	
	Examiner John Ricci	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 12 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number:
10/629,946
Art Unit: 3714

Page 2

Applicant's election with traverse of claims 7, 8, & 12 in the reply filed on 11/15/04 is acknowledged. The traversal is on the ground(s) that the embodiments are closely linked and should be examined in the same application. This is not found persuasive because the additional embodiment would require substantial additional examination.

The requirement is still deemed proper and is therefore made FINAL.

Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/15/04.

* * * * *

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 appears to include a typographical error.

Application/Control Number:
10/629,946
Art Unit: 3714

Page 3

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Claims 7 & 12 are allowed.

Claim 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art does not disclose a package including a blister sheet having a blister pocket, and an adjacent depression; a rupturable foil layer adhered to the back side of the blister sheet; and a paperboard layer adhered to the foil layer and having a tear strip having a tab, so that the tear strip can be pulled off of the foil by means of the tab, and then the foil can be ruptured adjacent to the depression and removed.

* * * * *

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Application/Control Number:
10/629,946
Art Unit: 3714

Page 4

This letter was prepared by Examiner John Ricci, who
can be reached at:

Voice: 571-272-4429

Fax: Use 703-872-9306 for papers to be delivered
directly to the mail room, like formal amendments and
responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers to be delivered directly to
the Examiner, like informal or proposed responses for
discussion, or notes in preparation for an interview.

*Response by Fax is encouraged to reduce mail processing
time. Please don't send duplicate papers by mail and Fax.*

My supervisor is Derris Banks, 571-272-4419.

PTO main switchboard: 800-786-9199.

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**JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3714**